

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GREAT WESTERN INSURANCE  
COMPANY,

Plaintiff,

- against-

MARK GRAHAM, DONALD SOLOW,  
BLUE CAPITAL MANAGEMENT, INC.,  
BLUE ALTERNATIVE ASSET  
MANAGEMENT LLC, WILMINGTON  
SAVINGS FUND SOCIETY, FSB,  
CHRISTIANA TRUST, REGATTA  
HOLDINGS LLC, CYGNET 001  
MASTER TRUST, CYGNET 001  
MASTER TRUST SERIES 2011-A,  
CYGNET 001 MASTER TRUST SERIES  
2011-C, CYGNET 001 MASTER TRUST  
SERIES 2013-A, ALPHA RE LIMITED,  
ALPHA RE HOLDINGS (CAYMAN)  
LIMITED, ATLANTIC SPECIALTY  
FINANCE, BLUE ELITE FUND LTD.,  
BLUE ELITE FUND LP, BLUE II LTD.,  
SANCUS CAPITAL BLUE CREDIT  
OPPORTUNITIES FUND LTD.,  
ABILITY INSURANCE COMPANY,  
JOHN DRAKE, EDWARD BRENDAN  
LYNCH, GREGORY TOLARAM,  
ADVANTAGE CAPITAL HOLDING  
LLC, DAN CATHCART, AND  
KENNETH KING.

Defendants.

Case No. 1:18-cv-06249-VSB

**NOTICE OF MOTION TO DISMISS THE SPECIFIC CLAIMS PLEADED AGAINST  
ABILITY INSURANCE COMPANY, ADVANTAGE CAPITAL HOLDING LLC, DAN  
CATHCART, AND KENNETH KING**

PLEASE TAKE NOTICE that upon, (i) the Second Amended Complaint, filed on  
December 19, 2018 (Dkt. 106), in the above-captioned action; (ii) the accompanying Declaration

of Hal S. Shaftel, with attached exhibits; and (iii) the accompanying Defendants Ability Insurance Company, Advantage Capital Holding LLC, Dan Cathcart, and Kenneth King's Memorandum of Law in Support of Their Motion to Dismiss the Specific Claims Pleaded Against Movants, defendants Ability Insurance Company, Advantage Capital Holding, LLC, Dan Cathcart, and Kenneth King (collectively, the "Ability Defendants") will move this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, before the Honorable Vernon S. Broderick, at the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York 10007, at a date and time to be determined by the Court, for an Order dismissing the Second Amended Complaint as against the Ability Defendants, with prejudice, and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
February 5, 2019

GREENBERG TRAURIG, LLP

By: /s/ Hal S. Shaftel  
Hal S. Shaftel

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